

# HOUSE JOINT RESOLUTION 10

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By: **Delegates Parrott, Afzali, Bates, Eckardt, Fisher, Frank, Glass, Haddaway–Riccio, W. Miller, Myers, Norman, O’Donnell, Schuh, Schulz, Smigiel, and Stocksdale**

Introduced and read first time: February 11, 2011

Assigned to: Rules and Executive Nominations

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## HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Enforcement of Federal Immigration Laws**

3 FOR the purpose of resolving that the State should enforce federal immigration laws,  
4 end sanctuary policies, and require public and private employers to comply with  
5 federal and State immigration laws; and calling on law enforcement officers to  
6 execute their authority to arrest any person guilty of hiring, harboring, or  
7 transporting illegal immigrants and to turn over illegal immigrants to federal  
8 authorities for removal from the United States.

9 WHEREAS, The citizens of the State of Maryland demand the enforcement of  
10 immigration laws and an end to the “Catch and Release Policies” known as sanctuary  
11 policies; and

12 WHEREAS, As written by Alexander Hamilton in a 1794 essay published in the  
13 American Daily Advertiser, “If it be asked, what is the most sacred duty and the  
14 greatest source of our security in a Republic, the answer would be an inviolable  
15 respect for the Constitution and Laws”; and

16 WHEREAS, We recognize a state’s inherent authority to enforce immigration  
17 laws; and

18 WHEREAS, Congress has firmly established that there is a significant public  
19 interest in the effective enforcement of immigration laws. Congress could have chosen  
20 to limit local enforcement pursuant to its plenary power over immigration but it has  
21 not done so. In the absence of a limitation on local enforcement powers, the states are  
22 bound by the Supremacy Clause of the United States Constitution to enforce violations  
23 of the federal immigration laws. As Senator Russell Pearce, President of the Arizona  
24 State Senate, has stated: “The statutory law of the United States is part of the law of  
25 each state just as if it were written into state statutory law.” He continued, “(s)tates  
26 do not need a federal 287g program, ..., or a permission slip from the federal  
27 government to arrest illegal aliens. The 287g program goes beyond the arrest powers



1 as states already have inherent authority to make arrests. The 287g program is for  
2 post-arrest; it is not a permission slip to enforce the laws and has nothing to do with  
3 the authority to arrest”; and

4 WHEREAS, 8 U.S.C. § 1325 makes it a crime to enter or remain in the United  
5 States illegally; and

6 WHEREAS, 8 U.S.C. § 1324a makes it illegal to hire an illegal alien; and

7 WHEREAS, 8 U.S.C. § 1324 makes it a crime for any person to knowingly  
8 transport, smuggle, or harbor an illegal alien. If convicted, the person is guilty of a  
9 felony punishable by up to 10 years in prison, up to a \$2,000 fine for each illegal alien  
10 transported, smuggled, or harbored and forfeiture of the vehicle or property used to  
11 commit the crime; and

12 WHEREAS, 8 U.S.C. § 1644 makes it illegal to restrict or prohibit an officer  
13 from enforcing immigration laws when it states, “No local ordinance, rule or measure  
14 shall stop law enforcement officers from enforcement of this section”; and

15 WHEREAS, All officers whose duty it is to enforce criminal laws shall have  
16 authority to make arrests for a violation of any provision of 8 U.S.C. § 1324, as  
17 affirmed by U.S. v. Perez-Gonzalez, 307 F. 3rd 443 (6th Cir., 2002); now, therefore, be  
18 it

19 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the State  
20 of Maryland:

21 (1) Establish that there is a significant public interest in the effective  
22 enforcement of immigration laws and that states are bound by the Supremacy Clause  
23 of the United States Constitution to enforce violations of the federal immigration laws;  
24 and

25 (2) Note that the illegal alien invasion has a corresponding increase in  
26 violent crimes, criminal gang activity, threats to public health, billions of dollars in  
27 cost to the taxpayers, and jobs taken from Americans; and

28 (3) Demand the elimination of all sanctuary policies in the State,  
29 require the enforcement of the nation’s immigration laws, and require law  
30 enforcement to turn over all illegal aliens to federal authorities for removal from the  
31 United States, and where necessary before removal, trial and punishment for their  
32 criminal activity; and

33 (4) Require all public agencies and private employers to ensure  
34 compliance with all federal and State laws and regulations related to the immigration  
35 status of all employees; and be it further

36 RESOLVED, That a copy of this Resolution be forwarded by the Department of  
37 Legislative Services to the Honorable Martin O’Malley, Governor of Maryland; the

- 1 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the
- 2 Honorable Michael E. Busch, Speaker of the House of Delegates.